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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,344	01/15/2004	Kiri B. Amarakoon	D/A2491 XERZ 2 00657	6411
27885	7590	11/03/2005	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			BEATTY, ROBERT B	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,344

Applicant(s)

AMARAKOON, KIRI B.

Examiner

Robert Beatty

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Claims 3,5,14,16-19 are objected to because of the following informalities:

claims 3,5 and 14,16 appear to be duplicates;

claim 17, line 6, "the second fusing assembly" lacks proper antecedent basis;

claims 18 and 19 should depend on claim 17;

Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 17-19 (assuming 18 and 19 depend from 17) are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al.

Chen teach an image forming apparatus comprising softening (pre-fusing) a toner image via transfer roller 7 during a transfer operation of the toner image to a recording sheet, transporting the sheet to a final fusing device 4 which can comprise two rollers or a belt/ roller combination, a release agent for applying silicone oil to the fusing device, and a gloss enhancing device 5 comprising two rollers or a belt/roller combination for enhancing the image. See col.4,line 63 - col.7, line 7.

3. Claims 12- 13,15 are rejected under 35 U.S.C. 102(a) as being anticipated by Funato.

Funato teach an image forming apparatus comprising a plurality of developing devices 223, a photosensitive drum 22, an intermediate transfer belt 23, and a transfer roller 24 for transferring images from the intermediate transfer belt to a recording sheet. A primary fixing means 5,251 is located downstream of the transfer roller and a secondary fixing means 6,252 is located downstream of the primary fixing means in a separate section. The primary fixing means comprises a fusing roller and pressure roller while the secondary fixing means comprises a fusing belt and pressure roller. A plurality of sheet feeders 31-34 transport sheets to receive an image.

The apparatus can form monochrome (e.g. black and white) or full color images on either a single side or both sides of the recording sheet. The full color image is typically a photograph. In addition, a standard mode (normal image quality) and a high quality mode can be selected. High quality images are associated with full color images and normal quality images are associated with mono-color images (e.g. col.3, lines 38-53). Fig.9A - 9C and 10A -10 C show the various modes for one-sided and two-sided images. Referring to Fig. 9A - 9C, in the two-sided mode, the front side is fixed by the primary fixing means and the second

side is fixed by the primary and secondary fixing means set at various speeds. The primary fixing means for the first side is only set so the image is not peeled as it is returned for a second image on the second side (col.3, line 64 - col.4, line 4). This is considered applicant's partial fusing step. The image on the first side is monochrome and the image on the second side is full color (such as a post-card). Referring to Figs 10A - 10C, in the one-sided mode, the image is fully fused by the primary fusing device if it is a standard image (mono-color) or partially fused then fully fused by the primary and secondary fixing means if it is a full-color image (col.12, line 4 - col.13, line 45).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funato in view of Chen et al.

Funato taught supra discloses most of what is claimed except the primary fusing device comprising a belt. Chen teach an image forming apparatus comprising softening (pre-fusing) a toner image via transfer roller 7 during a transfer operation of the toner image to a recording sheet, transporting the sheet to a final fusing

device 4 which can comprise two rollers or a belt/ roller combination. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use either two rollers or a belt/roller combination to fusing a toner image because both are alternatively used in the toner fixing art as taught by Chen and both provide for adequately fused toner images.

5. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funato in view of Kouchi.

Funato taught supra discloses most of what is claimed except the paper supply section being disposed in a separate section. Kouchi teach an image forming apparatus comprising a sheet feeding section 200 being separate from the image forming section 100. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the sheet feeding section separate because handling of the image forming apparatus and maintenance is easier (col.1, lines 32 - col.2, line 6).

6. Claims 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funato in view of Kouchi as applied to claims 1-2 above and further in view of Chen et al.

Funato and Kouchi taught supra discloses most of what is claimed except the primary fusing device comprising a belt, and a gloss enhancing device for enhancing

the gloss of the image. Chen teach an image forming apparatus comprising softening (pre-fusing) a toner image via transfer roller 7 during a transfer operation of the toner image to a recording sheet, transporting the sheet to a final fusing device 4 which can comprise two rollers or a belt/ roller combination, a release agent for applying silicone oil to the fusing device, and a gloss enhancing device 5 comprising two rollers or a belt/roller combination for enhancing the image. See col.4,line 63 - col.7, line 7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Funato and Kouchi with the teachings of Chen et al. because the alternative use of rollers or belts in the toner fixing art as taught by Chen and both provide for adequately fused toner images. Furhter, it would have been obvious to add a gloss enhancing device because glossy images can be produced.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Abe et al., Oka et al., Higashi, and Jackson all teach various fusing systems for color images.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Beatty whose telephone number is (571) 272-2130. The examiner can normally be reached on M-F from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley, can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert Beatty
Primary Examiner
Art Unit 2852

October 31, 2005